

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-107 are currently pending. Claims 1, 28, 55 and 82, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 27, lines 9-21, page 28, lines 2-13, and Fig. 10. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-107 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,542,610 to Traw.

Claim 1 recites, *inter alia*:

“An information processing system comprising ...

separating means for allowing said first information processing apparatus to separate the encrypted data for transmission in either the first transmission mode or the second transmission mode; and

determining means for allowing said second information processing apparatus to determine whether the received encrypted data belongs to the first transmission mode or the second transmission mode in order to perform decoding with either the first encryption key or the second encryption key.” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,542,610 to Traw et al. relates to a method for protecting digital content from copying and/or other misuse as it is transferred between one or more computationally constrained devices over insecure links, including preliminarily authenticating that both a content source and a content sink are compliant devices, and transferring content between compliant devices. In a further aspect of the invention, in the background, concurrently with the transfer of content, at least a second cryptographic process is performed. In one embodiment, establishing a preliminary control channel includes exchanging random challenges between devices, encrypting under a shared secret key, hashing the exchanged random challenges, exchanging the results of the encryption, and then verifying that the appropriate results have been generated.

Applicants submit that Traw does not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a separating means for allowing a first information processing apparatus to separate encrypted data for transmission in either a first transmission mode or a second transmission mode and no teaching or suggestion of a determining means for allowing a second information processing apparatus to determine whether received encrypted data belongs to the first transmission mode or

the second transmission mode in order to perform decoding with either a first or a second encryption key, as recited in claim 1. Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 28, 55 and 82 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 28, 55 and 82 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By Thomas F. Presson
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800